

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

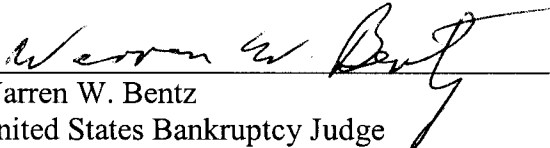
IN RE : BANKRUPTCY NO. 06-11621
: CHAPTER 7
SYLVIA J. MCCRAY, DEBTOR : DOCUMENT NO. 33
:
JOHN C. MELARAGNO, ESQ., :
TRUSTEE, Movant :
vs. :
SYLVIA J. MCCRAY, Respondent :

MEMORANDUM AND ORDER

This 20th day of July, 2007, upon consideration of the TRUSTEE'S OBJECTION TO CLAIM FOR EXEMPTION and after notice and hearing, it appearing that the Debtor failed to disclose on her bankruptcy petition a certain royalty agreement under which she was receiving royalty payments on a gas well on a property which she owned; that there was some indication that the value of the gas well is \$5,200 and produces some \$1,500 per year in revenue; that the Debtor has filed Amended Schedules now showing the royalty income and adding the Royalty Agreement to property claimed as exempt; and the Trustee having requested that the exemption claim be disallowed on account of the Debtor's failure to disclose same; that the Trustee discovered the omission by examining the Debtor's tax returns; and the Trustee having expended time and effort in examining the facts and presenting his motion; it appearing that the Debtor's action omitting the asset was inadvertent, nevertheless the Trustee has put time and effort in attempting to recover the asset, an effort which was necessitated only by the Debtor's failure to list the Royalty Agreement as an asset; it is ORDERED as follows:

1. The Trustee's Motion to deny exempt status to the Royalty Agreement is denied.
2. Judgment is entered in favor of the Trustee and against the Debtor, Sylvia J.

McCray in the amount of \$750 to compensate the Trustee for the time and effort made necessary by the Debtor's omission.


Warren W. Bentz
United States Bankruptcy Judge

c: Scott F. Humble, Esq.
John C. Melaragno, Esq.

FILED

JUL 20 2007

CLERK, U.S. BANKRUPTCY COURT
WEST. DIST. OF PENNSYLVANIA
ERIE OFFICE